



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:

Westborough SPE LLC

Debtor

Chapter 7
23-40709-CJP

ORDER

MATTER:

[#689 Motion filed by Creditor Lolonyon Akouete to Compel Compliance with Subpoena.](#)

THE MOTION TO COMPEL COMPLIANCE WITH SUBPOENA [ECF NO. 689] (THE "MOTION") FILED BY LOLONYON AKOUE TE IS DENIED.

PURSUANT TO THE MOTION, MR. AKOUE TE SEEKS TO COMPEL COMPLIANCE WITH A SUBPOENA HE DIRECTED TO DAVID LOMBE IN HIS CAPACITY AS LIQUIDATOR OF BABCOCK & BROWN LIMITED (IN LIQUIDATION), JOSEPH SCARCELLA, AND EDWARD S. ENGLANDER. IT APPEARS THAT MR. AKOUE TE IS INAPPROPRIATELY ATTEMPTING TO SUBPOENA PERSONS IN A FOREIGN COUNTRY WITHOUT COMPLYING WITH APPLICABLE TREATIES AND PROCEDURES AND/OR IS ATTEMPTING TO SUBPOENA COUNSEL BASED ON THEIR PAST REPRESENTATION OF THE LIQUIDATOR.

THIS COURT'S ORDER AUTHORIZING SERVICE OF SUBPOENAS BY MR. AKOUE TE BY U. S. POSTAL SERVICE CERTIFIED MAIL [ECF NO. 589] (THE "3/19/2025 ORDER") STATED THAT "NOTWITHSTANDING THIS ORDER, ANY PERSON TO WHOM A SUBPOENA IS DIRECTED MAY OBJECT TO THE MANNER OF SERVICE." 3/19/2025 ORD., AT 3. FURTHER, THAT ORDER CONTEMPLATED DELIVERY WITH RETURN RECEIPT BY THE U.S POSTAL SERVICE ON SUBPOENAED PARTIES. SERVICE ON COUNSEL OR FORMER COUNSEL IS NOT SUFFICIENT. THE COURT ALSO OBSERVES THAT MR. AKOUE TE APPEARS TO HAVE SERVED A MISDATED SUBPOENA WHICH PURPORTS TO INFORM THE RECIPIENT THAT THERE IS A SCHEDULED HEARING (FOR A DATE THAT HAS PASSED).

MR. AKOUE TE SHALL SERVE A COPY OF THIS ORDER BY ELECTRONIC MAIL ON THE SUBPOENA RECIPIENTS AND SHALL FILE A CERTIFICATE OF SERVICE WITHIN THREE (3) BUSINESS DAYS.

Dated: 05/12/2025

By the Court,

A handwritten signature in black ink, appearing to read "Christopher J. Panos", written in a cursive style.

Christopher J. Panos
United States Bankruptcy Judge